

REMARKS

Reconsideration and allowance of the current application are requested. No new matter has been added.

Rejections under 35 USC § 101

Claims 11-17 and 21 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. These rejections are traversed.

As amended claims 11 and 21 include preambles which recite, in part:

An apparatus comprising machine-readable instructions to display a graphical user interface.

Support for the amendment can be found, at least, in paragraphs 19 and 20. It is believed that such a preamble should alleviate the concerns of the official action and the rejections of these claims should be withdrawn. As claims 12-16 depend on claim 11, the rejections of these claims should also be withdrawn.

Rejections under 35 USC §§ 102, 103

Claim 21 [sic, 22] stands rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lee, (U.S. Patent No. 7,017,122). Claims 1-21 are rejected under section 103(a) as allegedly being unpatentable over Westerman (U.S. Patent No. 6,404,443) in view of Young (U.S. Patent No. 6,177,933) and Becker et al. (U.S. Patent No. 6,981,223). These rejections are traversed.

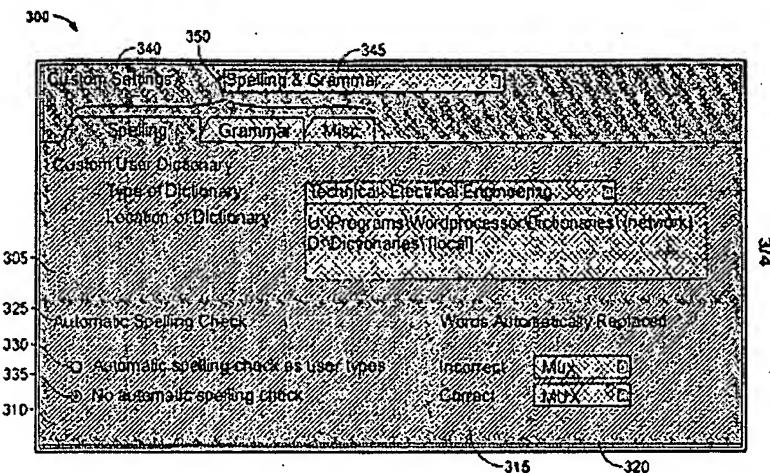
Rejection under § 102

Regarding the 102 rejection, as an initial matter, the applicant notes that while claim 21 is noted as being rejected under section 102, on further examination of the language of the rejection, it seems that the 102 rejection was intended to be for claim 22; thus, the rejection will be understood as being against claim 22.

Regarding the 102 rejection, amended claim 22 is patentable because Lee does not include features of claim 22. For example, amended claim 22 recites, in part:

the first, second, and third background regions are concurrently displayed on a same plane of user interaction such that display of the first, second, and third background regions is not affected by user action with graphical structures from at least two of the first, second, and third background regions.

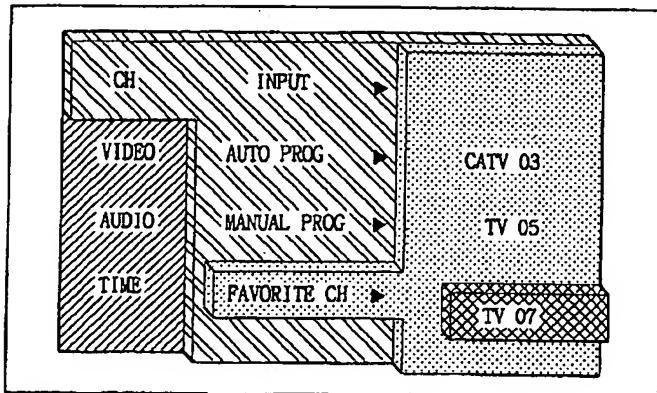
An example implementation of claim 22 may be illustrated in FIG. 3:



In contrast to these features of claim 22, in Lee there is a menu system that has alleged background regions, yet, those background areas are NOT:

displayed on a same plane of user interaction such that display of the first, second, and third background regions is not affected by user action with graphical structures from at least two of the first, second, and third background regions. Claim 2.

For example, in Lee, the menu system requires movement up and down the alleged background regions, where any user action with many of the alleged regions would result in changing of a background region. For example, in the menu of FIG. 6, a switch between "FAVORITE CH" and "MANUAL PROG" would remove the sub-menu that includes CATV 03, TV 05, AND TV 07. See generally FIG. 6:



This difference is significant as display of background regions on a same plane of user interaction such that display of the background regions is not affected by user action with graphical structures from at least two of the background regions may allow for visual distinction across areas of a user interface that are on a same plane of user interaction.

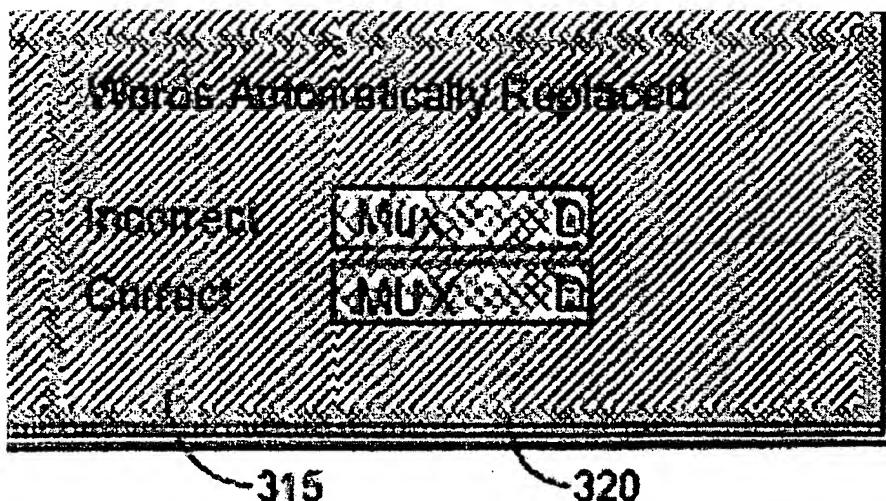
In view of the above, claim 22 should be allowable.

Rejections under section 103

Independent claims 1, 11, and 21 have been amended to include features not disclosed in the cited references; thus these claims are allowable. In particular, claims 1, 11, and 21 include features related to overlapping background regions lacking a border, which is not disclosed in the cited references. For example, claim 1 recites, in part:

two concurrently displayed and overlapping background regions, the overlapping background regions lacking a border between the overlapping background regions such that a visual transition between the overlapping background regions is defined by a change from a graphic pattern of one of the overlapping background regions to a graphic pattern of the other background region.

An example implementation may be in FIG. 3, where background regions 315 and 320 overlap:



In that example, a visual transition between the regions is defined by a change of graphic patterns, and a border (e.g., a black line border) is lacking. This visual cue may be important to grouping of objects as it may make it easier for distinctions between groupings to be recognized and may avoid visual distraction that may be caused by borders.

None of the cited references disclose similar features; thus, claims 1, 11, and 21 should be allowed for at least this reason.

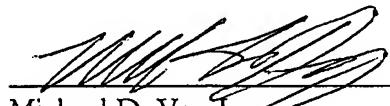
CONCLUDING COMMENTS

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

If there are any questions regarding the response, the Examiner is encouraged to contact the undersigned at the telephone number provided below. Applicants are concurrently filing herewith a Petition for a two-month extension of time with the requisite fee. No additional fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-068/2003P00059US.

Respectfully submitted,

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